

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

**BILLY MCCLAIN,** )  
 )  
**Plaintiff,** )  
 )  
v. )  
 )  
**KERRY WARREN, *et al.*,** )  
 )  
**Defendants.** )  
 )  
Case No.: 5:23-cv-0592-LCB

## **MEMORANDUM OPINION AND ORDER**

The magistrate judge entered a report on April 23, 2025, recommending motion to enforce settlement filed by Defendants Athens State University, Kerry Warren, and Mike McCoy's (collectively, "Defendants") against Plaintiff Billy McClain be granted. (Doc. 50). The magistrate judge further recommended that this Court order "the parties to carry out and fulfill the terms and provisions of the Mediation Term Sheet within fourteen (14) days after entry of an order granting the motion to enforce settlement, including that they execute the document entitled 'VOLUNTARY SETTLEMENT AGREEMENT AMONG BILLY MCCLAIN, ATHENS STATE UNIVERSITY, KERRY WARREN AND MIKE MCCOY'" ("General Release"). (*Id.* at 42). Although the report advised the parties of their right to file written objections, neither party has objected; the deadline to object has since expired.

The motion to enforce settlement seeks the following relief:

- [1]. Declare that the terms of the Mediation Term Sheet are binding between and among the Parties and enforce the Mediation Term Sheet among the Parties;
- [2]. Compel Plaintiff to sign the full General Release to which counsel for the Parties mutually agreed on September 4, 2024;
- [3]. Award Defendants attorney's fees and costs, along with any sanctions the Court finds appropriate, for the Plaintiff's willful refusal to go forward with the settlement agreement; and
- [4]. Dismiss all of Plaintiff's claims and this lawsuit with prejudice.

(Doc. 30 at 11). After careful consideration of the record in this case and the magistrate judge's report, the Court **ADOPTS** the report and **ACCEPTS** the recommendation. Consistent with that recommendation, the Court **GRANTS** the motion to enforce settlement. (Doc. 30). The parties are therefore **ORDERED** to carry out and fulfill the terms and provisions of the Mediation Term Sheet within fourteen (14) days of entry of this Order, including the execution of the General Release, (Doc. 48-2).

Further, Defendants are **ORDERED** to submit an accounting of reasonable expenses and attorney's fees incurred in preparing and filing its motion to enforce settlement within ten (10) days after the completion of the signing of the General

Release. Also by that same date, McClain shall show cause in writing why he should not be ordered to pay defendant's reasonable expenses and attorney's fees incurred in preparing and filing its motion to enforce settlement.

**DONE and ORDERED** May 20, 2025.



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**LILES C. BURKE**  
UNITED STATES DISTRICT JUDGE